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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BOARD OF TRUSTEES OF UNITE HERE
HEALTH, *et al.*,

Plaintiffs,

vs.

HRE HOLDINGS, LLC, a Nevada limited
liability company d/b/a Yong Kang Street, *et
al.*,

Defendants.

CASE NO.: 2:21-cv-00498-JCM-EJY

**STIPULATION AND ORDER FOR
STAY OF DISCOVERY**

(FIFTH REQUEST)

Plaintiffs and Defendants, each acting by and through their undersigned counsel, respectfully submit this Stipulation and Order for Stay of Discovery (Fifth Request) ("Stipulation and Order"). This Stipulation and Order constitutes the parties' fifth request for such an extension and is being entered in good faith and not for the purpose of improper delay.

A. BACKGROUND

1. Plaintiffs filed the Complaint on March 25, 2021.
2. Defendants answered the Complaint on May 28, 2021.
3. On November 29, 2021, the parties were due to file the proposed Discovery Plan and Scheduling Order.
4. Defendants allege that: (i) the restaurant operated by Defendant YKS Paris, LLC, is closed and out of business, the lease for the restaurant space having been terminated; (ii) Defendants have had no revenue coming to Defendants for many months; (iii) Defendants

1 are willing to put their resources, including monetary, into trying to resolve this case; (iv)
2 Money put into attorney's fees and costs to engage in discovery will most likely negatively
3 affect the resources available for settlement; and (v) Defendants understand the responsibilities
4 of the Plaintiffs, who have obligations as fiduciaries.

5 5. The parties want to minimize to the extent possible the expenditure of monies
6 for attorneys' fees.

7 6. On July 16, 2021, the Parties filed a Stipulation and Request for Stay of
8 Discovery for Seventy-Five (75) Days (First Request) to allow (i) the parties to informally
9 exchange data and documents, (ii) the Plaintiffs time to perform an audit and firm up the
10 amounts they seek from Defendants, (iii) the Defendants to make determinations relative to the
11 individual Defendants' liability, and (iv) the parties the opportunity to discuss the possibility of
12 settlement. The Court entered its Order Granting the Stipulation on July 19, 2021.

13 7. The parties have exchanged preliminary documents and data, much of which
14 they believe will be the same as the document and data discovery in this Case. Defendants
15 produced approximately 1,016 pages of documents to Plaintiffs, that took some time to gather.

16 8. Following Defendants' production of the data and documents, Plaintiffs
17 performed an audit and provided the Defendants with the findings.

18 9. On October 7, 2021, November 5, 2021, and November 29, 2021, the Parties
19 filed subsequent Stipulations and Orders for Stay of Discovery to allow the parties additional
20 time to discuss settlement. The Court's Orders stayed Discovery until January 28, 2022, and
21 allowed them until February 4, 2022, to file a Discovery Plan and Scheduling Order.

22 10. The parties have agreed to settlement terms and are in the process of drafting
23 settlement documents, including a Stipulation to Dismiss the Case asking the Court to retain
24 jurisdiction to enforce the settlement terms.

25 11. The parties anticipate that a 30-day extension will be sufficient for the parties to
26 finalize and execute the settlement documents and file them with the Court, as needed.

27 12. This Stipulation is made for the purposes stated above and not for purposes of
28

1 delay or any other improper purpose.

2 **B. STAY OF DISCOVERY**

3 1. The parties agree to stay discovery in this matter for thirty (30) days from
4 February 4, 2022 through March 7, 2022.

5 2. If the parties do not have an agreement to settle and have not filed to dismiss the
6 Case by March 7, 2022, the parties will file a Discovery Plan and Scheduling Order no later
7 than March 14, 2022, which at this juncture the parties expect to file in compliance with LR 26-
8 1(b). That document is already in draft form.

9 CHRISTENSEN JAMES & MARTIN, CHTD.

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15 DATED: February 3, 2022

DATED: February 3, 2022

17 **ORDER**

18 For the reasons stated above, and for good cause, it is hereby ordered as follows:

19 1. Discovery is stayed until March 7, 2022.
20 2. If the parties do not have an agreement to settle and have not filed to dismiss the
21 Case by March 7, 2022, the parties will file a Discovery Plan and Scheduling Order no later
22 than March 14, 2022.

23 **IT IS SO ORDERED.**

24 
25 DAYNA J. ZOUCHEK
26 UNITED STATES MAGISTRATE JUDGE

27 DATED: February 4, 2022
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